



July 19, 2012

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Presentation in WT Docket 11-186 and ET Docket 03-137

Dear Ms. Dortch:

On July 17, 2012, the following personnel from Pong Research Corporation (“Pong”) – Shannon Kennedy, PhD (President and Chief Executive Officer); Kevin Passarello (Executive Vice President and General Counsel); Ryan McCaughey, PhD (Chief Technology Officer); and Doron Gorshein (consultant to Pong) -- met with Commissioner Mignon Clyburn, Louis Peraertz, wireless advisor to Commissioner Clyburn, and Keia Johnson, law clerk for Commissioner Clyburn and staff.

At the meeting, Pong provided an overview of its products and technologies. Pong’s wireless device cases are the only products commercially available that have been proven in Commission-certified laboratories to reduce user exposure to cell phone radiation, as measured on the Specific Absorption Rate (“SAR”) scale, while maintaining Total Radiated Power (“TRP”). Pong noted that other wireless device cases can substantially and detrimentally impact device transmission and reception (including TRP) and battery life as well as SAR and, potentially, overall network efficiency. Consumers are generally unaware of these effects from cases.

Pong also summarized the matters raised in: Pong’s filing dated May 31, 2012 in WT 11-186; Pong’s filing dated June 24, 2012 in ET 03-137; and Pong’s filing dated June 29, 2012 in WT 11-186 and ET 03-137. In particular, Pong reiterated the recommendations set forth in the aforementioned filing dated June 29, 2012.

Pong recommended that the Commission’s forthcoming notice of inquiry on wireless device safety (and any related further notice of proposed rulemaking) should provide prospective commenters with an opportunity to propose updates to wireless device testing methodologies applicable in the equipment authorization process¹, in order more accurately to reflect

¹ See Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, edition 97-01, August 1997 (“Bulletin 65”); and Evaluating Compliance with FCC Guidelines for Human Exposure

predominant consumer behavior and thereby protect and inform consumers, as discussed in Pong's July 29, 2012 filing referenced above. The Commission should, in particular, update its testing guidelines to include the presence of a case, which would more accurately determine (among other things) "real SAR"—especially since most consumers (as many as 85% by Pong's estimates) use cases. The Commission should extend its guidelines, which expressly apply to other body-worn accessories such as belt clips and holsters, to cases.

Additionally, and as discussed in Pong's June 29, 2012 filing, Bulletin 65 and Supplement C already include guidelines for caution statements, which are expressly applicable to accessories such as belt clips and holsters.² These guidelines should extend to cases, as well. Thus, in order to allow consumers to make informed decisions—and consistent with Bulletin 65 and Supplement C—the Commission should prescribe the inclusion of caution statements in the manuals for portable devices, which would inform consumers that use of certain *cases* "may not ensure compliance with FCC RF exposure guidelines"³—the very information that the Commission now recommends for belt-clips, holsters, and other body-worn accessories.

Pong also reiterated its recommendation (discussed in its June 29, 2012 filing) that, in order to protect consumers properly, testing guidelines should be updated to reflect use of devices directly against the body rather than at least 15 mm away. Most consumers hold their devices against their bodies and heads. A space of at least 15 mm or more dramatically reduces SAR, but that is not how consumers typically—or, in the Commission's words, as a matter of "normal operating positions or conditions"⁴—use devices. Modern habits tend towards much closer proximities, as well as longer exposures.

At the meeting, Pong expressed no position regarding whether wireless devices are safe or unsafe. Pong instead suggested that consumers should practice the "precautionary principle," i.e., that consumers should take reasonable precautions to reduce exposure to electromagnetic radiation from wireless devices.⁵ One practical step in this regard would be to use a case that reduces SAR, particularly given wide variability in the ways that different cases can substantially and detrimentally impact SAR, TRP, and the battery life of wireless devices. By updating its testing guidelines and providing more information to consumers, the Commission can continue

to Radiofrequency Electromagnetic Fields, Supplement C (Edition 01-01) to Bulletin 65, June 2001 ("Supplement C").

² Supplement C, at page 41.

³ *Id.*

⁴ Bulletin 65, at page 42.

⁵ The precautionary principle states that, if an activity has a suspected risk of causing harm to the public or to the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is *not* harmful falls on those taking the action.

to promote consumer safety, consumer awareness, and wireless service quality.

Sincerely,



Kevin L. Passarello

EVP Business Development and General Counsel
Pong Research Corporation

cc: Doron Gorshein
Shannon R. Kennedy, PhD
Ryan McCaughey, PhD
Rong Wang, PhD